

MINUTES of the Village of Montgomery Planning Board meeting held in the Conference Room of the Village Hall, Clinton Street, on Wednesday, December 18, 2019, at 7:30 pm.

ATTENDANCE: Chrm. Conero, Mbr. Crowley, Mbr. Steed, Mbr. Romano, Mbr. Meyer (absent), Atty. Kevin Dowd, Vlg. Eng. Aileen Leahy of Lanc & Tully, Building Inspector Yancewicz, Jay Samuelson of Engineering Properties, Brian Rivenburgh, Donna Caldwell, Vincent Satriano, Robert Williams

OPEN: Chrm. Conero opened the meeting with the Pledge of Allegiance.

RE: OLD BUSINESS

RE: RIVSHAK, formerly PLEAVE

Mr. Rivenburgh is looking for another extension. They have put in water/sewer, gas, the curbs are in, level to the sub base; they will be black-topping in the spring and putting in the utilities.

A MOTION was made to GRANT A 6 MONTH EXTENSION TO RIVSHAK, EXPIRING IN JUNE, 2020, by Chrm. Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

RE: 99 Clinton Street – 202-2-13

Mr. Samuelson said they updated the handicapped stall to be compliant to ADA with an 8 ft aisle and 8 ft stall. That resulted in a small area at the end of that aisle that will be striped out; they will only have 4 spaces on this side (indicates on site plan) and 5 on this side. Hopefully the striped area will assist in turn-around purposes.

They updated the sidewalk to 5 ft wide all they way through, including the landings, showed the stairs, railings and lighting on the plan. They cleaned up some grading issues. He doesn't know if there were any comments this month, as they did not receive them. Ms. Murphy made copies of the projects for him.

Ms. Leahy states there is low point in lot 2 grading. It doesn't appear to flow off the site just where there are existing contours staying and then proposed contours shown. Mr. Samuelson said the only proposed contour in the rear parking to adjust this corner of the parking lot; this existing curb along here (indicates on site plan) will remain. It all flows along that curb right now. Ms. Leahy said the contours that are shown...Mr. Samuelson said the curb further back here (indicates on site plan), not at the street which is close to this low point, so they can put spots in there to clarify what that is. Ms. Leahy said the grading in the ADA area slopes are above the ADA 2% for a parking spot, if you can review the ADA regulations and see how that applies here. Mr. Samuelson said he will confirm that. Ms. Leahy said some of the contours for that parking area aren't quite tying in to the correct ones, they aren't showing proper grading. Mr. Samuelson said they will check them. Ms. Leahy said it looks like the intent of the storm water drainage is to take the parking area, run the storm water through a 1 ½ foot curb cut onto the lot 2 area and have it flow from there, there are concerns that taken the volume of flow, maintenance issues, if that gets blocked, snow blocking, it's not going to be able to drain from that parking area down through the lot behind the residential area. Chrm. Conero asked what way it would run if not this way? Ms. Leahy suggested putting in storm water collection structures. Mr. Samuelson said they would look into it. Ms. Leahy asked what type of garbage pickup and container for the residents and commercial; where it will be stored and to indicate it on the site plan. Mr. Rivenburgh said they will discuss it. Lot 1 has two garbage cans. Ms. Leahy said snow removal

needs to be noted on the plan. Ms. Leahy said as you mentioned, you included a small area for possible turn around in lot 1, it's only 7 feet wide and not regulation size for a car to back up into to turn around so there are concerns that the car in lot 1 will have to back all the way out of that parking lot because they won't be able to turn around. Mr. Samuelson said they are trying to make as much parking for the Village, if you want them to lose another spot, they will take it out. He feels the car can get out. Mbr. Crowley asked if anyone could park in lot 1. Mr. Rivenburgh said no one will be allowed to park there unless they are doing business in lot 1, the realtor and Rowley Development. There will be no cross-easement agreement with the lots regarding parking.

Ms. Leahy asked what type of landscaping would be in the landscaped areas. Mr. Samuelson said it will mostly be mechanicals. In the front, will be what it currently is. There will be a ramp on the Charles Street side. Ms. Leahy said the ramp exceeds the ADA; it looks like the spot elevation changed. Mr. Samuelson will check that.

Ms. Leahy said you included info for the light on the backside of the building but not the wall sconce. Mr. Samuelson said they will add that after confirming what Mr. Rivenburgh wants.

Ms. Leahy asked what the light pole detail was. Mr. Samuelson will check that.

Chrm. Conero asked about the fire code, right of way, access around the building. Ms. Murphy gives Mr. Samuelson a copy. B/I Yancewicz will meet with Mr. Samuelson. Mbr. Crowley asked how high the building would be. It is not indicated anywhere but he will find out. Mr. Samuelson said it is less than 30 to the eave.

Atty. Dowd said in Ross's letter of December 6th on #20, it says the AHRB does not require approval for the building, however, any signs for commercial buildings have to go to the AHRB. Mr. Rivenburgh said ok.

Chrm. Conero asked about the County Planning letter, #3, adequate corner/site distance. How many feet is it to the corner? Mr. Samuelson said the building will not block the site distance; parked cars usually do. B/I Yancewicz said it is 50 ft diagonally. There were other concerns from the County that were already discussed.

Atty. Dowd said in January the 30 days will have run out and you can declare lead agency. Mr. Samuelson would like to schedule the Public Hearing for January. Chrm. Conero would like to see the drainage situation rectified before they go to Public Hearing on it, also the distance needs clarification, the parking space on lot 1 and the fire access.

Atty. Dowd asked where the garbage cans would be stored on lot 2. Mr. Rivenburgh said under the building by the parking spaces. The commercial will be stored inside and taken out with the residents. They will check with Buddy.

RE: Factory Street – 203-1-1

Mr. Samuelson is representing the applicant. They reduced the number of units from 22 to 10. They will match the existing building in architecture, same style, 2-3 split. They will discuss the fire access with B/I Yancewicz even though they feel it meets code.

Mr. Samuelson said they have been going through conceptual phases on this, the grading and layout was answering previous questions about the feasibility of the walls, so this is still

conceptual so if the comments from Lanc & Tully are detailed engineering, they will get to unless it's specific. They really just want to discuss the change in units and the layout. The major thing they've done is shortened the existing entrance which was over 60 ft wide down to 26 ft. They provided a new parking area for the new building and secondary access to Factory Street so they have two ways in/out for most of the units. They spoke with SHPO regarding the historic building across the street. They have room for screening between the parking lot and right of way. They will show it on the detailed plans.

Chrm. Conero said they received extensive letters back from SHPO regarding this project. They went back to 2002 and obviously, they had comments then. We sent to SHPO asking for clarification on the potential impact on the Historic District, National registered house across the street and proper screening. The building is right on top of the side-yard of this lot, too. There's only a 5-yard setback. Mr. Samuelson said the 5 yards is required, we're 10 feet off. Atty. Dowd said SHPO been saying that this needs buffering from the historic homes at 13 and 19 Factory Street. How is that being buffered? It's not. Mr. Sameulson said the property becomes undevelopable. Atty. Dowd said it's been developed for 13 years. Mr. Sameulson said there's more development right next to the property you're taking away the additional development rights that they have. Atty. Dowd said they are trying to preserve...Mr. Samuelson said he agrees and he said there would be buffering, to what extent does buffering...Atty. Dowd said you are not providing any buffering. Mr. Samuelson said correct but they have room and can plant trees and buffer between the parking lot and street. They can plant evergreens to screen everything. Atty. Dowd asked how big they would be; they're talking about a two-story apartment building. Mr. Samuelson said there's no way to buffer a two-story building. They will be 8 ft below grade, to start. The grading up here is about 8 ft until you come down around the corner (indicates on site plan). Chrm. Conero asked if there has any discussion about building on this part of the property (indicates on site plan). If it's up here, it's not across the street and you've added this too. This is even more across the street from the historic property, this will have more of an impact with the exit, here, than with the 60 ft you had here (indicates on site plan). Is there a way to move that? Mr. Samuelson said it's steeper over there.

Mbr. Romano said the building looks like the same size as it always had been. Mr. Samuelson said the building is smaller; not as deep and shortened up. Mr. Satriano said it is one story smaller. Mr. Samuelson said it was on a different angle and closer to the current building. They spaced it out, made it smaller and removed a story. He will speak with SHPO regarding the buffering. Mbr. Romano asked if taking the third floor out has alleviated some of the problems with the fire department. Mr. Samuelson said they brought the overall height of the building down, so yes. But they still needed to provide two accesses or a turn around for this point which is why they provided the additional entrance. Atty. Dowd asked how to get people out from the back. Mr. Samuelson said you can't, the only part of the building is the walk-out of the basement. It's all part of the same unit, like the current building. It's two floors with a partial walk-out basement. Chrm. Conero asked if there was a fire lane in the back. Mr. Samuelson said they don't need it. Ms. Leahy said what she understands from the letter, you need to have access within under 30 ft on all sides of the building...the building is 200 ft long...Mr. Samuelson said you can come down towards the dumpsters, it's less than 150 ft so they don't need a turnaround, you can access 150 ft this way, or from here 150 ft (indicates on site plan), you meet either side of the building. Ms. Leahy said on the right side there's only 2-3 ft...Atty. Dowd said you're on private property, aren't you? Mr. Samuelson said no, they have 10 ft over there. There's a retaining wall, they can adjust the wall to provide access. Atty. Dowd asked where the lot line ends? Mr. Samuelson said it goes from the river to the street. Atty. Dowd said you can get a truck...Mr. Samuelson said no, a hose line from the fire lane 150 ft to all parts of the building. Atty. Dowd

said the fire department would have to run a hose 150 ft. Mr. Samuelson said yes. B/I Yancewicz said they don't want to run hose.

Atty. Dowd asked about the bats and eagle. Mr. Samuelson said they have reached out to...the bats is a clearing time-frame. They reached out to the DEC regarding the eagle. They were waiting to get a concept that everyone agreed upon before speaking with DEC. They all know where the eagle is.

Chrm. Conero said you really have to show the Board the screening that's protecting national historic houses. He has driven here and doesn't see how they can screen it. Atty. Dowd said you have to clear the land to make the new building and parking lot. Mr. Satriano said you'd have to clear it to put the trees there. Atty. Dowd said that's for the back...inaudible (too many people speaking at once). One of the things this Board should consider is pos dec-ing this because there's significant environmental issues here that based upon the historic properties, based upon the endangered species, based upon the proximity of the slope to the river...

Mbr. Romano asked if the building could be shortened. Chrm. Conero said this is directly across the street and it needs to be shielded on both sides. We may have to do a positive dec to proceed further. The fire apparatus road shall be designed and maintained to support loads of fire apparatus for all weather driving conditions. B/I Yancewicz said they have to take care of and clear the roadway at all times. Chrm. Conero continued, unobstructed width of not less than 20 ft, exclusive of shoulders. That doesn't apply to 13' 6". Inaudible...too many speaking at once. Chrm. Conero what the slope of the street line up to the property. Mr. Samuelson said the street is 390-391 and the first floor is about 386. From the high point of the street, the building is about 5 ft lower than the road.

Mr. Samuelson said he will speak with SHPO regarding screening and what it should be.

Atty. Dowd asked where the wetlands are on the property. Mr. Samuelson they could only be in the far rear corner (indicates on site plan). The rest of the property is a slope to the river.

Ms. Leahy said she understands that some of the engineering comments that were made on the plans may seem further than sketch plan comments, but the feasibility of where the dumpsters are whether or not trucks can be able to access that, where snow storage is, might change the layout to the point it may impact it. Mr. Samuelson said ok.

RE: City Winery – 204-1-1

Mr. Samuelson said he is representing the applicant, on short notice. He may not be able to answer all of their questions but will try.

Ms. Leahy asked what type of wood post were in the wetlands. Atty. Dowd asked if they were treated wood, as that has chemicals that may not be allowed in the wetlands. Mr. Samuelson said they are wood but not sure if treated. Ms. Leahy said any of the stakes that were used to hold down the fence but if they are not organic, can impact the wetlands. Chrm. Conero asked B/I Yancewicz if he knew what the fence posts were made of. He believes treated wood. Ms. Leahy asked if they had any foundation to them. B/I Yancewicz isn't sure.

Chrm. Conero asked where Todd was. Mr. Samuelson said he is in California. Atty. Dowd said that the AHRB approved the fencing materials and also the on-site signs, all of them. The only one not put before them was the Factory/17k area sign, as they do not have permission from the

owner. Mbr. Crowley said the sign on the water tower does not meet code. Atty. Dowd said this is a PDD and not a business zone. The sign regulations are flexible. None of these signs have appeared until much later in the process, here. Although he knows they had a meeting with the Chairman and the Mayor about the signage with the applicant's representatives and they insisted that it shows on the front of the site plan it always showed where the signs were going to be, they thought they had approval for the signs. They have to approve the signs. There are no code provisions on-site. They can use the B1 and B2 as a guide. The sign on the water tower wasn't questioned, black and white block letters and they will have removable letters on the chimney. Mbr. Crowley questioned, the chimney? Chrm. Conero said on the smoke stack. Mbr. Crowley said that is historic. Atty. Dowd said SHPO approved it as long as it was detachable. Mbr. Romano asked what would be on the chimney. Chrm. Conero said "City Winery" on both sides. Atty. Dowd said it had to be detachable. Mbr. Crowley the AHRB had no problem with a sign that screams WINE in our historic town?? Atty. Dowd said no.

City Winery General Manager, Donna Caldwell reiterated the approval of all signs except the one on 17K. Mbr. Crowley said it doesn't meet our code for signage whether it's a PDD or not. She used to be on the AHRB and it's upsetting that they are approving two huge signs that scream "WINE" on historic sites. She can't even know how that happened. Atty. Dowd said the signs are supposed to be identification signs so technically they should say, "City Winery." Mbr. Crowley said they spoke at length on the AHRB when they set up the guidelines and the extensive conversations they had about the fact that in the business district downtown that there were too many signs in the windows, too many neon signs screaming that they sell beer, it's a bar, of course you sell beer. But do you need to have 15 neon lights telling every beer that you sell. And how we were trying to limit the number of signs. She also thought there was a limit to how many signs you actually had. It's identifying your business not actually what you sold. That's what your sign is supposed to do. She is not happy with City Winery on a historic chimney that they spent a great deal of time repairing, its not going to have big letters all over it which takes away the value of that chimney. It was great that they were going to restore it and now you're slapping letters up on two sides of it, which takes away from the value of it. Atty. Dowd was surprised that SHPO had no problem with them doing it as long as the letters were removable. Chrm. Conero asked if they ever received a copy of that letter from SHPO. Atty. Dowd said they asked for it, but haven't received it. Chrm. Conero said there is frustration on the part of City Winery with moving this along. That's why the Mayor decided to have an impromptu meeting to talk about how to get this thing going. They had a punch list and they talked about it. Some of it's done, some of it's not. The architect's not here to answer any of these questions so they're at a roadblock again that seems like they're holding things up and they're not.

Mbr. Steed said he recalls from the very first conceptual review, the water tower was nicely painted silver and said "City Winery." It was quite more...inaudible...too many people speaking at once.

Chrm. Conero said they cannot question whether AHBR did the right thing or question whether SHPO did the right thing. Their task in front of them is the size of the signage and where it goes on the site. Atty. Dowd said aside from the signage, there are issues with the fence posts, the nationwide permit. Mr. Samuelson said they have that and will forward. Atty. Dowd said the permit will have to be modified immediately because of the fence posts in the wetlands. According to the expert, it doesn't require it to be modified. If it's treated wood...Mr. Samuelson said he will follow up on it. He will also forward info from the DEC regarding the nationwide permit. B/I Yancewicz will try to follow up on the posts, as well.

Atty. Dowd said the conversations he had with the owner at property at Factory Street/17K is that the partners do not want to give permission to put that sign up there. However, there's an existing sign up there that should not be there, small sign but it should not be there that Mr. Zwigard was told back in June could not go up there, just to replace the old Worsted Mill sign, he couldn't just substitute one for the other and it's still there. We did have a conversation about that, so that's an off-premises sign and it's not allowed. It's not grandfathered because it's replacing a pre-existing sign that was a totally different business. As we know from other signs that were pre-existing that when you change the content of the signs and where those signs are and how big they may be, that creates a variance application. He thinks the Village is working to put a street sign up for City Winery.

Atty. Dowd said this Board, tonight, needs to approve the five on-premises signs that have approved by SHPO and the AHRB and the fencing.

Two signs on water tower.

Two signs on smoke stack.

Two signs on each stone pillar at entrance.

There is discussion about where the fences are located. There is no fence along the river. There is deer fence on the property around the vineyards. Too many people speaking at once. They agree not to approve this fencing until they know what the posts are made of and if the nationwide permit needs to be modified.

There was discussion, again, about the signs, what they look like and where they will be located. Mbr. Crowley feels there are too many signs. Chrm. Conero said they can't change what has already been approved by the AHRB, who they referred this to, and SHPO, but would like to see SHPO's letter approving the signage.

A MOTION was made to APPROVE THE HISTORIC ALUMINUM FENCE FROM THE PILLAR OF THE ENTRANCE GATE ALONG PATCHETT WAY at 8:53pm by Chrm. Conero, seconded by Mbr. Romano and carried 4 Ayes 0 Nays.

RE: MINUTES:

A MOTION was made to APPROVE THE MEETING MINUTES OF NOVEMBER 20, 2019 by Mbr. Romano, seconded by Chrm. Conero and carried 4 Ayes 0 Nays.

RE: ADJOURNMENT:

A MOTION was made to ADJOURN THE MEETING AT 8:55pm by Chrm Conero, seconded by Mbr. Steed and carried 4 Ayes 0 Nays.

Tina Murphy, Deputy Village Clerk